

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JUL 08 2013

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

HIGHER TASTE, a Washington Non-  
Profit Corporation,

Plaintiff - Appellant,

v.

CITY OF TACOMA, a Metropolitan  
Municipal Corporation; et al.,

Defendants - Appellees.

No. 11-36046

D.C. No. 3:10-cv-05252-BHS  
Western District of Washington,  
Tacoma

ORDER

Before: TALLMAN and WATFORD, Circuit Judges, and GLEASON, District  
Judge.\*

We decline to consider Appellant's request for attorney's fees on appeal in  
the first instance. Appellant's request for attorney's fees on appeal is transferred to  
the district court for consideration. *See* 9th Cir. R. 39-1.8.

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\* The Honorable Sharon L. Gleason, United States District Judge for  
the District of Alaska, sitting by designation.